

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

ERIC WILLIS TANKS, ET AL.	PLAINTIFFS
VS.	CIVIL ACTION NO. 4:03CV408LR
LOCKHEED-MARTIN CORPORATION, ET AL.	DEFENDANTS
MCCALL, ET AL.	PLAINTIFFS
VS.	CIVIL ACTION NO. 4:04CV122LR
LOCKHEED MARTIN CORPORATION, ET AL.	DEFENDANTS
PRICE	PLAINTIFF
VS.	CIVIL ACTION NO. 4:04CV123LR
LOCKHEED MARTIN CORPORATION, ET AL.	DEFENDANTS
BAILEY, ET AL.	PLAINTIFFS
VS.	CIVIL ACTION NO. 4:04CV124LR
LOCKHEED MARTIN CORPORATION, ET AL.	DEFENDANTS
BRADLEY, ET UX.	PLAINTIFFS
VS.	CIVIL ACTION NO. 4:04CV125LR
LOCKHEED MARTIN CORPORATION, ET AL.	DEFENDANTS
SCOTT, ET AL.	PLAINTIFFS
VS.	CIVIL ACTION NO. 4:04CV128LR
LOCKHEED MARTIN AERONAUTICS COMPANIES ET AL.	DEFENDANTS
BLANKS, ET AL.	PLAINTIFFS
VS.	CIVIL ACTION NO. 4:05CV137LR
LOCKHEED MARTIN CORPORATION, ET AL.	DEFENDANTS

**LOCKHEED MARTIN CORPORATION'S RESPONSE TO EEOC'S MOTION
TO QUASH SUBPOENA DUCES TECUM AND AD TESTICANDUM**

COMES NOW Lockheed Martin Corporation ("LMC") and responds to the Equal Employment Opportunity Commission's ("EEOC") Motion to Quash Subpoena Duces Tecum and Ad Testificandum as follows:

1. On May 5, 2006 Defendant LMC served a subpoena for the production of documents and for testimony on the EEOC.
2. The EEOC declined to provide the documents and testimony requested by LMC's subpoena, and filed a motion to quash (Docket No. 254) on May 26, 2006.
3. LMC's subpoena is valid and was properly served on the EEOC.
4. The EEOC must comply with LMC's valid subpoena, unless the Court quashes the subpoena.
5. The EEOC's regulation prohibiting EEOC employees from testifying or producing documents without permission of the EEOC's legal counsel does not permit the EEOC to ignore or avoid compliance with the subpoena. Rather, it simply provides a housekeeping mechanism so that a central authority within the EEOC can challenge or direct compliance with court-ordered discovery, such as subpoenas.
6. The subpoena seeks only non-privileged facts, and does not seek documents or information protected by the attorney-client privilege, the so-called deliberative process privilege, or any other privilege. Even if the subpoena inadvertently requests privileged information or documents, the EEOC can withhold documents or information on that basis and must comply with the remainder of the subpoena.
7. Compliance with the subpoena is not unduly burdensome. Because all of the charges of discrimination about which LMC seeks information were reviewed

together, the amount of responsive information is small and the sources of information from which the EEOC must gather information are few.

8. LMC requires the discovery from the EEOC because Plaintiffs hope to introduce and rely on at trial the determinations issued by the EEOC with respect to their charges. The only source of information concerning the reliability of the EEOC's investigations is the EEOC itself, and thus LMC can not obtain the discovery from any other source.

9. LMC incorporates its Memorandum in Opposition to EEOC's Motion to Quash Subpoena Duces Tecum and Ad Testificandum as if fully set forth herein.

For the foregoing reasons, and those reasons stated in more detail in LMC's opposition brief, LMC respectfully requests that the Court deny the EEOC's Motion to Quash.

Respectfully submitted,

LOCKHEED MARTIN CORPORATION

/s/MARK D. JICKA

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CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2006, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to the following:

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And I hereby certify that I have mailed the document by United States Postal Service to the following non-ECF participants:

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